

**Excerpted Depo. Tr.  
Hugh T. Clements, Jr.  
Vol. I**

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1 A. Yes.

2 Q. Before you became Chief of Police, did you have  
3 the opportunity to work with him as a police officer?

4 A. I was a sergeant at that point, so yes. I  
5 was a uniform sergeant.

6 Q. When was that?

7 A. 1994.

8 Q. Did you have an opportunity to supervise Sergeant  
9 Mancini?

10 A. Yes.

11 Q. When, and for how long?

12 A. That would have been about one year in 1994  
13 before I went to, back to detectives as a Sergeant.

14 Q. Did you, other than that one year in 1994, did  
15 you have any other opportunities to supervise Sergeant  
16 Mancini?

17 A. Yes, later.

18 Q. When?

19 A. I believe when I became a Major involved in  
20 the Homeland Security Division and then as well in the  
21 Uniform Division.

22 Q. How long did you supervise him when you were a  
23 Major?

24 A. Short time. Maybe a little bit over a year.

25 Q. Let's talk about when you supervised him in 1994.

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1 You were a uniformed Sergeant, and he was a patrolman,  
2 correct?

3 A. Yes.

4 Q. He just started out as a police officer, right?

5 A. Yes.

6 Q. Were you able to formulate an opinion about  
7 Sergeant Mancini's work performance at that time?

8 A. Generally, yes.

9 Q. What was your opinion of his work performance at  
10 the time?

11 A. Decent.

12 Q. Would you say he was at least average?

13 A. Yes.

14 Q. Above average?

15 A. Yes.

16 Q. All right. So he was an above-average patrolman  
17 in 1994, right?

18 A. Yes.

19 Q. Did you ever have any problems with him in 1994?

20 A. No.

21 Q. When were you the major in the Homeland Security  
22 Division?

23 A. Would have been, I believe -- don't hold me  
24 to the date. I believe 2008, 2009.

25 Q. Okay. Let's go back to 1994. How often did you

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1 interact with Sergeant Mancini during that one-year  
2 period you were his supervisor?

3 A. Not often.

4 Q. Would it be once a week, twice a week?

5 A. I really do not recall.

6 Q. Enough times to be able to formulate an opinion  
7 about his work performance, right?

8 A. Yes.

9 Q. When you became, when you were a Major in the  
10 Homeland Security Division in 2008 and 2009, Sergeant  
11 Mancini, he was a Sergeant at that point, correct?

12 A. Yes.

13 Q. How often did you work with him in your capacity  
14 as Major and in his capacity as Sergeant?

15 A. A little bit more often than the previous  
16 round. Probably, maybe once a week, once every other  
17 week.

18 Q. Were you able to formulate an opinion about  
19 Sergeant Mancini's abilities as a Sergeant?

20 A. Yes.

21 Q. What was your opinion of his abilities as a  
22 Sergeant?

23 A. He had good abilities as a Sergeant.  
24 However, I came into that division at a time when  
25 there was a dispute over whether or not he belonged in

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1 that unit, replacing a previous member of that unit.

2 Q. Who did he replace?

3 A. Sergeant Vinacco.

4 Q. Who was the dispute between?

5 A. I think between all parties involved.

6 Sergeant Vinacco, Sergeant Mancini and the  
7 administration at the time, the Chief's office.

8 Q. Who was that?

9 A. Esserman.

10 Q. You say that Sergeant Mancini replaced Sergeant  
11 Vinacco?

12 A. Yes.

13 Q. How did that come about, to your knowledge?

14 A. I don't have all the facts, but I know that  
15 Sergeant Vinacco went away on military leave.

16 Q. And Sergeant Mancini took his place?

17 A. Yes.

18 Q. There were some folks that were not happy about  
19 that?

20 A. I believe when Sergeant Vinacco came back, he  
21 was not happy.

22 Q. Okay. Let's talk about Sergeant Mancini's  
23 abilities to perform his duties as a Sergeant when you  
24 were supervising him as a Major. Would you say he  
25 did, did his performance as a Sergeant meet your

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1 A. No.

2 Q. So how -- I don't understand how he's badmouthing  
3 people.

4 A. Well, he thought this was personal. I don't  
5 recall exactly what he said about the supervisors. It  
6 wasn't just questioning whether or not he was removed  
7 from the unit; he was badmouthing. I can't verbatim  
8 recall what he said, but he was upset.

9 Q. Okay. I think I asked if he ever engaged in  
10 insubordination. You said yes, he was badmouthing  
11 people. Now you say that he came to his supervisor to  
12 complain about being replaced. Is it your testimony  
13 that that constitutes insubordination?

14 A. No.

15 Q. Do you want to take that back? Do you still  
16 consider that to be insubordination?

17 A. I would say it certainly could be perceived  
18 to be insubordinate, to be badmouthing the Chief and  
19 Deputy Chief.

20 Q. Is it fair to say he was coming to you to vent  
21 his frustrations?

22 A. Yes.

23 Q. You don't consider that to be insubordination, do  
24 you?

25 A. I could. I didn't take it to the next level,

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1 but I certainly could have.

2 Q. You didn't discipline him for that?

3 A. No.

4 Q. Okay. What does IOD status mean?

5 A. Injured on duty.

6 Q. Can you describe the process how that works?

7 A. So somebody is injured in the performance, in  
8 the proper performance of their duties. They would  
9 fill out paperwork and file a claim for that status,  
10 injured on duty.

11 Q. Okay. Then what happens next?

12 A. The paperwork would be forwarded through the  
13 Human Resources Office. The officer or the employee  
14 would seek medical attention, and it would be covered  
15 pursuant to the CBA.

16 Q. Were you aware that Sergeant Mancini was on IOD  
17 status in 2011, 2012?

18 A. Yes.

19 Q. So how did you become aware that he was on IOD  
20 status?

21 A. Basically by being in the command staff  
22 conference room. Several times during the week on the  
23 board we have an updated status of all employees, what  
24 division/unit they're in, as well as the IOD and sick  
25 board.

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1 probably going to take longer than a lieutenants  
2 promotional exam?

3 A. Correct. It could potentially be broken up  
4 into more than one meeting.

5 Q. Okay. Let's go back to the June 16, 2012  
6 lieutenants promotional exam. Did you have a meeting  
7 with your command staff to discuss the award of  
8 service points for that promotional exam?

9 A. Yes.

10 Q. Do you remember when it was?

11 A. It was during that week. I'm not sure  
12 exactly which day.

13 Q. During the week of the exam?

14 A. I believe so. The week or so before the  
15 exam. It's typically done on the Thursday or Friday  
16 prior to the week of the exam, or the Monday and  
17 Tuesday.

18 Q. Is there anybody present at the meeting that  
19 memorializes the discussion, takes minutes,  
20 tape-records the conversations?

21 A. No.

22 Q. Is there any follow-up correspondence from the  
23 meetings?

24 A. Yes.

25 Q. What is that?



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1           A. Certainly if there are some supervisors who  
2 want to lobby in a strong way for one of their  
3 employees, because, again, they work with them on a  
4 daily basis and they're closer to them with the  
5 activities on the street, we're always open for  
6 conversation for that from a sergeant, lieutenant or  
7 captain.

8           As well, other documentation could be officers  
9 have the list of all the candidates going for that  
10 rank. They have the opportunity to fill out their  
11 recommendation for that candidate and his points.

12          Q. Do you recall who was present at the meeting  
13 where a discussion of service points took place for  
14 the June 16, 2012 lieutenants promotional exam?

15          A. I believe I can name most of them. I'm not  
16 positive I can name all of them. I do recall Deputy  
17 Chief Oates, Majors Verdi, Tucker and Colon, Captains  
18 Lepre, Stamatakos, Campbell, Lapatin. I believe  
19 Lieutenants Perez and Ready were there. There may  
20 have been other lieutenants there as well. Captain  
21 Sauro was there as well.

22          Q. Is it typically just the person who directly  
23 supervises the candidate, is it typically that person  
24 that makes a recommendation of chief points, or do  
25 other folks that are present at the meeting make

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1 A. One.

2 Q. What about Major Tucker?

3 A. Three.

4 Q. What about Major Colon?

5 A. Zero.

6 Q. What about Captain Lepre?

7 A. Zero.

8 Q. What about Captain Lapatin?

9 A. Two. Captain Campbell turned one in, too.

10 Q. What about Captain Campbell?

11 A. Two.

12 Q. Tell us about the discussion about what service  
13 points should be awarded to Sergeant Mancini for the  
14 June 16, 2012 promotional exam?

15 A. With every candidate the discussion would be  
16 a name would be thrown out, and some of the candidates  
17 the discussion would go right to, somebody would blurt  
18 out -- there was no formal process. McHugh, he's a  
19 five. He's a five. Yes, he's a five. In unison  
20 people would say, He's a five.

21 The commander might say, Does anyone think he's  
22 less than a five? Nobody. Okay, so we can agree we  
23 believe he's a five? Yes. That would happen when  
24 some of the candidates who were at that particular  
25 time considered to be outstanding.

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1           Then oftentimes we would start the meetings. If  
2           somebody, somebody's name was brought up and there was  
3           no response, we would say, Okay, we want the points to  
4           be meaningful. Let's -- you know, there have been  
5           tests where everybody gets a five. That became a  
6           point of contention with the command staff, Why give  
7           everyone a five? Why even have chief points if they  
8           don't mean anything? They should mean something.

9           It was important to many in the command staff to  
10          say, You know, let's let those points mean something.  
11          If there was no response from the room, okay, every  
12          candidate where there was no response, we'll start it  
13          at three. Then we'll discuss it further. We'll start  
14          it at three, up, down, or stay the same.

15          Q.    Tell us about the discussion about Sergeant  
16          Mancini; how did that go?

17          A.    Go down the list alphabetically. I don't  
18          recall verbatim. There wasn't much of an initial  
19          response. So I think somebody said, There will be  
20          further discussion on Sergeant Mancini, so we'll go to  
21          the next person.

22          In the meantime, he's one that starts at a three.  
23          We'll make a determination based on further discussion  
24          and further influence from the command staff and the  
25          people around the table what that number should be.

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1 Q. The people that didn't submit these filled-out  
2 forms that were present at that meeting, Stamatakos,  
3 Ready and Perez?

4 A. Yes. And Sauro, Captain Sauro.

5 Q. And Sauro. Did she respond verbally and make a  
6 verbal recommendation for points for Mancini?

7 A. Not that I recall as far as a number. I can  
8 tell you, it does, it pains me to sit here in front of  
9 him and say that none of the verbal conversation at  
10 that meeting that I recall was glowing or positive.

11 Q. All right. Since we're all here, let's talk  
12 about that. Let's talk about what everyone said about  
13 Sergeant Mancini. Why did the folks that recommended  
14 he get a zero, Colon and Lepre, why did they say he  
15 should get a zero?

16 MR. MCHUGH: Objection as to form. You  
17 can answer, if you know.

18 A. I don't really specifically know. I know  
19 there was much conversation about negative attitude,  
20 not a team player. I remember specifically George  
21 Stamatakos saying that, just a poor attitude.

22 As the conversation goes on, and we want these  
23 points to be meaningful, Is this what we want from a  
24 lieutenant? The service points, we want to award for  
25 someone who has applied to a position that is, in

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1           A. I would consider it overall. I mean, if  
2           somebody had a real bad record as a patrolman, we're  
3           certainly looking for more up-to-date current  
4           information.

5           I mean, people spend years here. You know, they  
6           may have had something in their past in their jacket,  
7           in their 201 file from 10, 12 years ago. That  
8           certainly should be given less weight than where they  
9           are now in their career.

10          Q. You ultimately decided, you made the final call  
11          to give Sergeant Mancini a zero, right?

12          A. Yes, I did. I do that and I'll say that,  
13          you know, and I mean this. Every decision I make in  
14          the department I try to do for the best of the  
15          organization, including when people are applying for  
16          certain positions within the police department.

17          There may be a vacancy for a detective sergeant,  
18          and 11 people put in for it. In the end, I'm the one  
19          who puts them there. So I take the blame and credit  
20          for putting that person there.

21          I hold an extremely high regard on what the  
22          supervisors tell me. In fact, I don't sit on the  
23          interview process. In the end, they forward a name to  
24          me. Since I've been Chief, not one person who has  
25          been assigned to one of those preferred units have

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1 been picked specifically by me. They've been  
2 recommended to me. I approve them. I approve them.  
3 I approve them.

4 I'll certainly, if a name came before me that I  
5 disapproved of, I would -- but I think it's important  
6 for the commanding officers of these respective units  
7 to be responsible for who is going to run their units  
8 and who they have under their command. I hold that in  
9 very high regard.

10 Q. I believe you testified that in awarding the  
11 service points one of the things you looked at is what  
12 someone did previously, what they were awarded on a  
13 previous promotional exam for service points, right?

14 A. Yes.

15 Q. Did you look into what Mancini was awarded on a  
16 previous promotional exam?

17 A. Yes.

18 Q. What was he awarded?

19 A. He was given five points on previous  
20 administrations of promotional exams.

21 Q. On how many of them?

22 A. A couple. At least two. At least two.

23 Q. When was the most recent one prior to June 16,  
24 2012?

25 A. I believe it was 2010.

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1 Sergeant Mancini being on IOD status?

2 A. That didn't come into play.

3 Q. That's not the question. Was there any  
4 discussion among the people?

5 A. Not that I recall. Not that I recall.

6 Q. Did anybody give Sergeant Mancini a low score,  
7 recommend he have a low score because he was on IOD  
8 status?

9 A. Not that I know of.

10 Q. Who said that Sergeant Mancini was not a team  
11 player?

12 A. Captain Stamatakos and others had mentioned  
13 that verbiage.

14 Q. Did you ask them for specifics?

15 A. It was part of the conversation. Again,  
16 verbatim, I don't remember exactly what was said. But  
17 by a team player, I mean, we're looking for, as a  
18 lieutenant you're an integral part of the operation  
19 and directives of the day-to-day operation of a police  
20 department.

21 You certainly want people in that role who are  
22 going to be positive and not be negative about the  
23 command staff and the administration. Most  
24 importantly, I think you want a team player. That was  
25 important to me to hear that, not a team player, from

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1 Q. Based on your discussions with the people at this  
2 meeting, you came to the conclusion that Sergeant  
3 Mancini was performing the worst of all 16 candidates,  
4 right?

5 A. Yes.

6 Q. Did you issue him any discipline because it was  
7 reported to you that he had a negative attitude, not a  
8 team player, and a poor attitude?

9 A. No.

10 Q. Why not?

11 A. I don't think we ever administered discipline  
12 to anyone with negative attitude or, or attitude.

13 Q. What did you say earlier, that a zero constituted  
14 what? You said a five was excellent, outstanding,  
15 right?

16 A. Yes.

17 Q. What was zero?

18 A. I believe I said a poor performer.

19 MR. GAGLIARDI: Can we have that read  
20 back, please?

21 (OFF THE RECORD)

22 MR. GAGLIARDI: Let's go back on the  
23 record. So before we took our break, I asked the  
24 court reporter to find in the transcript your  
25 testimony.